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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LAS VEGAS POLICE PROTECTIVE  
ASSOCIATION METRO, INC.; LAS VEGAS  
9 METRO POLICE MANAGERS &  
SUPERVISORS ASSOCIATION,

Case No.: 2:15-cv-01928-LDG-CWH

10 Plaintiff,

11 vs.

12 LAS VEGAS METROPOLITAN POLICE  
13 DEPARTMENT,

14 Defendant.  
15

16 **ANSWER**

17 Defendant Las Vegas Metropolitan Police Department (hereinafter "LVMPD") by and  
18 through its attorney of record, Nick D. Crosby, Esq. with the law firm of Marquis Aurbach  
19 Coffing, hereby answers Plaintiff's Amended Complaint as follows:

20 1. In answering Paragraph 1 of Plaintiffs' Amended Complaint, LVMPD denies the  
21 allegations contained therein.

22 2. In answering Paragraph 2 of the Plaintiffs' Amended Complaint, LVMPD denies  
23 the allegations contained therein, as Plaintiffs lack standing to bring this claim.

24 3. In answering Paragraph 3 of Plaintiffs' Amended Complaint, LVMPD admits  
25 venue is proper, if Plaintiffs had standing.

26 4. In answering Paragraph 4 of Plaintiffs' Amended Complaint, LVMPD admits the  
27 allegations contained therein.  
28

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1           5.       In answering Paragraph 5 of Plaintiffs' Amended Complaint, LVMPD admits  
2 Plaintiffs are local government employee organizations who represent various employees of  
3 LVMPD. LVMPD Admits the parties' collective bargaining agreements contain provisions  
4 regarding paid association leave, but deny the remaining allegations contained therein.

5           6.       In answering Paragraph 6 of Plaintiffs' Amended Complaint, LVMPD admits the  
6 allegations contained therein.

7           7.       In answering Paragraph 7 of Plaintiffs' Amended Complaint, LVMPD admits the  
8 in 2015 the Nevada Legislature passed SB 241 which contained the cited Section 1, but is  
9 without sufficient information to form an opinion as to whether SB 241 was "in response to a  
10 proposal from the anti-union American Legislative Exchange Council" and, therefore denies the  
11 same.

12           8.       In answering Paragraph 8 of Plaintiffs' Amended Complaint, LVMPD admits the  
13 allegations contained therein.

14           9.       In answering Paragraph 9 of Plaintiffs' Amended Complaint, LVMPD denies the  
15 allegations contained therein.

16           10.      In answering Paragraph 10 of Plaintiffs' Amended Complaint, LVMPD repeats  
17 and re-alleges each and every response thereto.

18           11.      In answering Paragraph 11 of Plaintiffs' Amended Complaint, LVMPD denies the  
19 same as it asks for a legal conclusion.

20           12.      In answering Paragraph 12 of Plaintiffs' Amended Complaint, LVMPD denies the  
21 same as it asks for a legal conclusion.

22           13.      In answering Paragraph 13 of Plaintiffs' Amended Complaint, LVMPD denies the  
23 "important public purposes" identified in this paragraph are contingent upon "paid leave" as  
24 alleged in the paragraph. LVMPD is without sufficient information to form an opinion as to  
25 whether the purposes identified constitute, as a matter of law, an "important public purpose" and,  
26 therefore, deny the same. LVMPD denies the remaining allegations contained therein.

27           14.      In answering Paragraph 14 of Plaintiffs' Amended Complaint, LVMPD denies the  
28 allegations contained therein.

1           15.     In answering Paragraph 15 of Plaintiffs' Amended Complaint, LVMPD denies the  
2     allegations contained therein..

3           16.     In answering Paragraph 16 of Plaintiffs' Amended Complaint, LVMPD denies the  
4     allegations contained therein..

5           17.     In answering Paragraph 17 of Plaintiffs' Amended Complaint, LVMPD is without  
6     knowledge or information sufficient to form a belief as to the truth of the allegations contained  
7     therein, and therefore, denies the same.

8           18.     In answering Paragraph 18 of Plaintiffs' Amended Complaint, LVMPD denies the  
9     allegations contained therein.

10          19.     In answering Paragraph 19 of Plaintiffs' Amended Complaint, LVMPD repeats  
11     and re-alleges each and every response thereto.

12          20.     In answering Paragraph 20 of Plaintiffs' Amended Complaint, LVMPD denies the  
13     allegations contained therein.

14          21.     In answering Paragraph 21 of Plaintiffs' Amended Complaint, LVMPD denies the  
15     allegations contained therein.

16          22.     In answering Paragraph 22 of Plaintiffs' Amended Complaint, LVMPD repeats  
17     and re-alleges each and every response thereto.

18          23.     In answering Paragraph 23 of Plaintiffs' Amended Complaint, LVMPD denies the  
19     allegations contained therein.

20          24.     In answering Paragraph 24 of Plaintiffs' Amended Complaint, LVMPD denies the  
21     allegations contained therein.

22                                   **AFFIRMATIVE DEFENSES**

23           1.     Plaintiffs lack standing.

24           2.     Plaintiffs' claims, and each of them, are not ripe.

25           3.     Not justiciable controversy exists.

26           4.     Plaintiffs are not members of a protected class.

27           5.     Plaintiffs' damages, if any, are the result of Plaintiffs' own action or inaction.

1           6.     Plaintiffs' damages, if any, are the result of a third party(ies) over which  
2 Defendant has not control.

3           7.     Plaintiffs failed to state a claim upon which relief can be granted.

4           8.     The activities identified in the Amended Complaint are not entitled to  
5 constitutional protection.

6           9.     Plaintiffs failed to plead their claims with particularity and specificity.

7           10.    Defendant did not draft Senate Bill 241 and, therefore, cannot be liable for claims  
8 arising under the Equal Protection clause of the Fourteenth Amendment for the same.

9           11.    Plaintiffs failed to plead Defendant had an improper motive or intent relative to  
10 the Equal Protection cause of action.

11           12.    Defendant did not infringe, abridge, hinder or otherwise chill any rights  
12 recognized under the First Amendment.

13           13.    SB 241 is constitutional both facially and as applied.

14           14.    Plaintiffs failed to demonstrate a likelihood of success on the merits required to  
15 secure preliminary injunctive relief.

16           15.    Plaintiffs failed to demonstrate irreparable harm necessary to secure preliminary  
17 injunctive relief.

18           16.    Defendant did not enact or promulgate any policy, statute, ordinance or custom,  
19 policy of procedure which denied or abridged any of Plaintiffs' constitutional rights.

20           17.    Plaintiffs' claims of constitutional violations are unsupported in both fact and law,  
21 as Plaintiffs have not alleged a sufficient basis from which a constitutional interest might arise in  
22 conjunction with the alleged actions.

23           18.    Plaintiffs' claims are barred by the Tenth Amendment to the U.S. Constitution.

24           19.    Plaintiffs' claims are barred by the Eleventh Amendment to the U.S. Constitution.

25           20.    Pursuant to FRCP 11, as amended, all possible affirmative defenses may not have  
26 been alleged herein, in so far as sufficient facts were not available after a reasonable inquiry  
27 upon the filing of this Defendant's Answer to Plaintiff's Amended Complaint; therefore, this  
28

1 Defendant reserves the right to amend its answer to allege additional affirmative defenses if  
2 subsequent investigations so warrant.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Defendant prays for judgment against Plaintiff as follows:

5 1. That Plaintiffs take nothing by way of the Amended Complaint and that the same  
6 be dismissed with prejudice;

7 2. For an award of reasonable attorney fees and costs of suit; and

8 3. For any further relief as the Court deems to be just and proper.

9 Dated this 30th day of October, 2015.

10 MARQUIS AURBACH COFFING

11  
12 By /s/ Nick Crosby  
13 Nick D. Crosby, Esq.  
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17 Attorney(s) for LVMPD  
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